

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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|---------------------------|---|------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | Crim. No. 2:11-cr-000815-CCC |
| v. |) | |
| |) | |
| JOSE LOPEZ-RODRIGUEZ, |) | ORDER FOR CONTINUANCE |
| |) | |
| Defendant. |) | |

This matter having come before the Court on the joint application of Paul W. Laymon, Trial Attorney, Narcotic and Dangerous Drug Section, Department of Justice, and defendant Jose Lopez-Rodriguez, by and through counsel Kevin F. Carlucci, Esq., AFPD, for an order granting a continuance of the proceedings in the above-captioned matter for a period of 60 days to allow the parties to continue to conduct plea negotiations and attempt to finalize a plea agreement, so that the parties may attempt to resolve the matter and thereby avoid a possible trial, and the defendant having consented to the continuance and waived his right to a speedy trial, and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

(1) The parties desire additional time to continue to negotiate a plea agreement, which if successful would render a trial in this matter unnecessary;

(2) After his arrest, co-defendant Christian Garcia-Rodriguez was in custody in California awaiting disposition of his identity hearing, and he was later transported to the District of New Jersey, arriving on February 6, 2012, and having his initial appearance on February 8, 2012, *see* Title 18, United States Code, Section 3161(h)(1)(E) and (F), excluding from speedy trial computation any delay attributable to proceedings concerning the defendant, including but

not limited to transfer of a case or removal or transportation of a defendant;

(3) On March 20, 2012, this Court signed an order for continuance for 60 days as to defendant Lopez-Rodriguez, submitted with the signature of counsel for both the government and defendant Lopez-Rodriguez, and Title 18, United States Code, Section 3161(h)(6) permits a reasonable period of delay when a defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted;

(4) On April 3, 2012, this Court also signed an order for continuance for 60 days as to co-defendant Garcia-Rodriguez, submitted with the signature of counsel for both the government and co-defendant Garcia-Rodriguez, and Title 18, United States Code, Section 3161(h)(6) permits a reasonable period of delay when a defendant is joined for trial with a co-defendant as to whom the time for trial has not run and no motion for severance has been granted;

(5) Pursuant to Title 18, United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial,

IT IS, therefore, on this 29th day of May, 2012,

ORDERED that this action be and hereby is continued for a period of 60 days from the date of this Order; and it is further

ORDERED that the period of 60 days from the date of this Order shall be excluded in computing time under the Speedy Trial Act of 1974.

IT IS SO ORDERED.



HON. Claire C. Cecchi
United States District Court Judge

Form and entry consented to by:

Paul Laymon / by Marshall S.
Paul W. Laymon, Trial Attorney
U.S. Department of Justice

Kevin F. Carlucci
Kevin F. Carlucci, Esq., AFPD
Counsel for Defendant Jose Lopez-Rodriguez